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Federal Communications Commission
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DA 04-1601
June 1, 2004

**COMMENTS INVITED ON APPLICATION OF WINSTAR
COMMUNICATIONS, LLC AND CERTAIN OF ITS SUBSIDIARIES TO
DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES**
WC Docket No. 04-212
Comp. Pol. File No. 685

Comments Due: June 15, 2004

Section 214 Application

Applicants: Winstar Communications, LLC; Winstar Communications of Arizona, LLC; Winstar of Georgia, LLC; Winstar of Pennsylvania, LLC

On May 13, 2004, Winstar Communications, LLC, located at 520 Broad Street, Newark, NJ 07102, filed an application with the Federal Communications Commission (FCC or Commission) on behalf of itself and certain of its subsidiaries including Winstar Communications of Arizona, LLC, Winstar of Georgia, LLC, and Winstar of Pennsylvania, LLC (collectively Winstar or Applicants), requesting authority, under section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(a), and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services to customers in certain geographic areas. On May 26, 2004, Winstar filed an amendment to its application. Accordingly, the application is deemed complete and officially filed with the Commission on May 26, 2004.

Winstar indicates that it plans to discontinue the provision of local, domestic and international long distance, toll free, private line, and Internet services to commercial customers in the states of Arizona, California, Colorado, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Pennsylvania, Texas and Washington. Winstar clarifies that the "Internet" services it provides include SDSL services, and that it seeks authority to discontinue these services to the extent they are subject to section 63.71 of the Commission's rules. Discontinuance of international service is governed by section 63.19 of the Commission's rules, 47 C.F.R. § 63.19. Winstar states that it intends to discontinue the relevant services to all affected customers on June 30, 2004, or as soon thereafter as the necessary state and federal regulatory authorizations have been obtained. Winstar indicates that it provided written notice to all affected customers by letters mailed out in conformance with section 63.71(a) of the Commission's rules on April 30, 2004, May 5, 2004, or May 11, 2004. Further, Winstar indicates that its proposed discontinuance will not affect federal government customers; ATM and frame relay service; fixed wireless services and offerings supporting mobile carrier infrastructures; cable, Wi-Fi and other backhaul systems; private circuits; closed networks; and spectrum lease offerings offered.

In accordance with section 63.71(c) of the Commission's rules, the application, as amended and clarified by Winstar, will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this notice, unless the Commission has notified Applicants that the grant will not be automatically effective. In Winstar's notice to its customers, Winstar indicated that it would not discontinue service until June 30, 2004 or until the necessary federal and state authorizations had been obtained. Accordingly, pursuant to section 63.71(c), absent further Commission action, Winstar may not terminate service until July 2, 2004. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **June 15, 2004**. Such comments should refer to **WC Docket No. 04-212 and Comp. Pol. File No. 685**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 6-A207, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone 1(800) 378-3160 or (202) 863-2893, facsimile (202) 863-2898, or via e-mail at www.bcpweb.com.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or John Adams, (202) 418-0394 (voice), john.adams@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding Section 214 please visit [http://www.fcc.gov/wcb/cpd/other adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

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